

MACOMB TOWNSHIP PLANNING COMMISSION
MEETING MINUTES AND PUBLIC HEARING
TUESDAY, JULY 18, 2006

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MI 48042

PRESENT: EDWARD GALLAGHER, CHAIRMAN
DEAN AUSILIO, VICE CHAIRMAN
CHARLES OLIVER, MEMBER
JOA PENZIEN, MEMBER
ARNOLD THOEL, MEMBER
DEBORAH ZOLNOSKI, MEMBER

ABSENT: MICHAEL D. KOEHS, SECRETARY

ALSO PRESENT: Lawrence Dloski, Legal Counsel
Jerome Schmeiser, Planning Consultant
(Additional attendance on file at the Clerk's Office)

Chairman GALLAGHER called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

ROLL CALL

1. Member THOEL called the roll, all members present except for Member KOEHS.

APPROVAL OF THE AGENDA

2. The agenda was reviewed and any additions, corrections or deletions were discussed and made.

MOTION by AUSILIO seconded by PENZIEN to approve the agenda as presented.

MOTION carried.

APPROVAL OF THE PREVIOUS MEETING MINUTES

3. The minutes of the previous meeting held on July 3, 2006 were reviewed and any additions, corrections or deletions were discussed and made. Member ZOLNOSKI indicated there was an error in the previous minutes from July 3rd Planning Commission meeting regarding item *5, (Carlton Place) in which part of the listed location should correctly read "north" rather than "south".

MOTION by AUSILIO seconded by ZOLNOSKI to approve the minutes of the meeting of July 3, 2006 as corrected and presented.

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MOTION carried.

AGENDA ITEMS

1. **Revised Site Plan; Romeo Plank Medical Condominiums;** Located on the west side of Romeo Plank Road, approximately 332 feet south of 21 Mile Road; Section 32; St. John Hospital and Medical Center, Petitioner. Permanent Parcel No. 08-32-226-019.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval. Township Attorney Larry Dloski also spoke and stated that after reviewing the revised site plan with Township Assessor Phyllis Sharbo, both also approve it. Mr. Dloski further stated that the notation on the revised site plan that refers to the parking area should be removed as it isn't needed but rather covered in the master deed conditions.

MOTION by AUSILIO seconded by PENZIEN to approve the revised site plan for Romeo Plank Medical Condominiums with the stipulation that the parking area notation on the plan be removed and with the standard conditions of the Planning Commission as follows:

1. The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.
2. The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.
3. The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.
4. The curb radii, curb cuts, including their location, deceleration lanes, by pass lanes and other geometrics and designs, are subject to approval by the

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County Road Commission, Michigan Department of Transportation, and the Township Engineer.

- 5. Sidewalks to be provided to the satisfaction of the Township Engineer.**
- 6. Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.**
- 7. That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall and be secured with screened gates. All walls to be constructed with a masonry pointed cap, the angle of the pointed cap to be 45 degrees. If additional dumpsters are to be located on the site, each must be enclosed in like manner.**
- 8. An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department.**
- 9. The petitioner/applicant may request the release of the site plan bond when the site has been completed in accordance with all conditions made part of this approval and contained herein. The request for release must be in writing and accompanied by 2 copies of the "As Built Plans". The "As Built Plan" will be compared with the stamped approved Site Plan Drawing to help determine the readiness for release of said bond.**
- 10. That handicap parking be provided per the requirements of the State and the ADA (American Disabilities Act).**
- 11. That all signs be designated on the site plan and meet the Township requirements.**
- 12. That the petitioner meet with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building limitations.**
- 13. MDEQ- That specific conditions and approvals regarding changes to the 100 year flood plain be done so with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower**

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amendment on the flood plain map as prepared by FEMA, prior to the issuance of any building permits.

14. That any required walls or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a masonry pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The "hung" type wall, that is with panels on channeled pillars, shall not be allowed.
15. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain office.
16. That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township Supervisor's Office. Addresses are assigned after site plan approval. The petitioner must coordinate said street names with the Macomb Township Supervisor's office and submit (2) plans on 11" x 17" paper.
17. That any future splitting and/or division of any portion of the property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.
18. That in the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.
19. That in the case of commercial zones that outdoor storage and display of merchandise is prohibited.
20. That all requirements of the Zoning Ordinance be met.
21. Since the matter being considered is a revised site plan, then all conditions of the earlier approval, that may apply to other features of the plan not being considered for the current revision and whether or not they are noted on the plan herein presented, are to remain in full force and effect.
22. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.
23. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture. Further, that the plan provide that no lights or glare from lights will shine into the abutting residential areas.

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24. That the petitioner understands that if the property(ies) involved in this application are not yet split or combined into a single parcel, that an application for split/combination must be submitted and approved by the Assessor's Office. The petitioner must also understand that all codes and ordinances relating to said split/combination must be adhered to including any variances requested or any other actions involving Macomb Township. It is also noted that delays may be necessary in the split/combination procedure because of subsequent public hearings involving variance requests. In the case of a Site Plan application that the text of the traditional condominium development Master Deed must be approved by the Township attorney and that same be noted on the site plan and Exhibit B documents, prior to the issuance of building permits.

MOTION Carried.

2. **Site Plan; Heydenreich Retail Center Unit 3 (Restaurant/Retail);** Located on the northeast corner of Hall Road and Heydenreich Road; Section 34; Atlantis Development, Inc., Petitioner. Permanent Parcel No. 08-34-300-024.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his reasons and recommendation for denial since the proposed parking for the expanded plan is shy of the requirements of the zoning ordinance.

Petitioner Andy Andre, (Wilcox civil engineer) also spoke to the Commission regarding the concerns raised by Mr. Schmeiser. After much discussion, Petitioner asked that this item be tabled until August 22, 2006 so that this item can be clarified for all parties.

MOTION by THOEL seconded by ZOLNOSKI to table this item to the regularly scheduled Planning Commission meeting for August 22, 2006.

MOTION Carried.

3. **Revised Site Plan; McDonald's;** Located on the north side of Hall Road, 1,300 feet west of Romeo Plank Road; Section 32; L & A Architects, Petitioner. Permanent Parcel 08-32-400-022.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval. However, he further stated he had a few questions for Petitioner, as did some of the Commission members. Chairman GALLAGHER asked if the Petitioner was present, no one responded.

MOTION by AUSILIO seconded by PENZIEN to table this item to the next regularly scheduled Planning Commission meeting (Tuesday, August 1,

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2006) so that the Petitioner would have a chance to appear to answer the questions of the Commission regarding this item.

MOTION Carried.

- 4. Revised Site Plan and Ground Sign; Legacy Estates;** Located on the east side of North Avenue, south of Future 22 Mile Road; Section 25; Legacy Estates, LLC, Petitioner. Permanent Parcel No. 08-25-100-016.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval. Petitioner Ken Davis was also present.

MOTION by AUSILIO seconded by PENZIEN to approve the Revised Site Plan and Ground Sign; Legacy Estates; Permanent Parcel No. 08-25-100-016 with the standard conditions of the Planning Commission, including:

- 1. The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts must be installed in parking areas to protect exit doors, gas meters, etc.**
- 2. The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.**
- 3. The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.**
- 4. The curb radii, curb cuts, including their location, deceleration lanes, by pass lanes and other geometrics and designs, are subject to approval by the County Road Commission, Michigan Department of Transportation, and the Township Engineer.**
- 5. Sidewalks to be provided to the satisfaction of the Township Engineer.**
- 6. Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining**

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or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.

7. That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall and be secured with screened gates. All walls to be constructed with a masonry pointed cap, the angle of the pointed cap to be 45 degrees. If additional dumpsters are to be located on the site, each must be enclosed in like manner.
8. An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. The required bond has been posted.
9. That handicap parking be provided per the requirements of the State and the ADA (American Disabilities Act).
10. That all signs be designated on the site plan and meet the Township requirements.
11. That the petitioner meet with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building limitations.
12. MDEQ- That specific conditions and approvals regarding changes to the 100 year flood plain be done so with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment on the flood plain map as prepared by FEMA, prior to the issuance of any building permits.
13. That any required walls or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a masonry pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The "hung" type wall, that is with panels on channeled pillars, shall not be allowed.
14. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain office.
15. That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb

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Township Supervisor's Office. Addresses are assigned after site plan approval. The petitioner must coordinate said street names with the Macomb Township Supervisor's office and submit (2) plans on 11" x 17" paper.

- 16. That any future splitting and/or division of any portion of the property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.**
- 17. That the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.**
- 18. That in the case of commercial zones that outdoor storage and display of merchandise is prohibited. Minor day to day, in and out display may be permitted when kept behind all established yard setback lines.**
- 19. That all requirements of the Zoning Ordinance be met.**
- 20. That since if the matter being considered is a revised site plan, then all conditions of the earlier approval, that may apply to other features of the plan not being considered for the current revision and whether or not they are noted on the plan herein presented, are to remain in full force and effect.**
- 21. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of any of the proposed buildings.**
- 22. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture.**
- 23. That Condominium Documents including the Master Deed are clear as to ownership and maintenance of the two large basins in the center of the development. The Township Engineer and Attorney must sign off that they are satisfied as to this issue.**
- 24. The revised plan does not involve more than entrance walls and signs.**

MOTION Carried.

PLANNING CONSULTANTS COMMENTS NONE

PLANNING COMMISSIONERS COMMENTS

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MOTION by Member ZOLNOSKI and seconded by AUSILIO to amend Item #3 of the standard conditions to replace the word “grass” with the word “sod” to eliminate any future confusion on the matter.

MOTION Carried.

MOTION by PENZIEN seconded by AUSILIO to receive and file all correspondence in connection with this agenda.

MOTION carried.

ADJOURNMENT

MOTION by PENZIEN seconded by AUSILIO to adjourn the meeting at 7:50p.m.

MOTION carried.

Respectfully submitted,

Edward Gallagher, Chairman

Michael D. Koehs, CMC
Macomb Township Clerk
Planning Commission Secretary